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8 *Attorney for plaintiffs*

9  
10 **UNITED STATES DISTRICT COURT**

11  
12 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**  
13 **SOUTHERN DIVISION - ORANGE COUNTY**

14  
15 MATTHEW GREGORY ) **Case No. 8:18-cv-00546**  
16 MCLAUGHLIN, *for himself and* )  
17 *those similarly situated;* )  
18 )  
19 *Plaintiffs,* ) **SECOND AMENDED COMPLAINT**  
20 ) **FOR DECLARATORY AND**  
21 ) **INJUNCTIVE RELIEF AND**  
22 ) **FOR DAMAGES**  
23 KAMALA HARRIS, *in her individual* )  
24 *capacity; XAVIER BECERRA, in his* )  
25 *individual and official capacity as* )  
26 *Attorney General of California; TANI* )  
27 *GORRE CANTIL-SAKAUYE, in her* )  
28 *official capacities as Chief Justice of* )  
29 *the California Supreme Court and as* )  
30 *Chair of the Judicial Council of* )  
31 *California;* )  
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33 *Defendants.* )  
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## 1. INTRODUCTORY CLAIMS

1. California's former and current state attorney generals, defendant KAMALA HARRIS ("HARRIS") and defendant XAVIER BECERRA ("BECERRA"), have unconstitutionally violated, and are continuing to violate, citizens' rights to petition, free speech, religion, and to equality under law as guaranteed by the First Amendment and Fourteenth Amendment of the US Constitution, by (1) preventing plaintiff MATT MCLAUGHLIN ("MCLAUGHLIN"), and those similarly situated, from proposing and circulating for signature anti-sodomy petitions in the state of California even though that is a mandatory duty of their office; and (2) by perversely asserting California's anti-SLAPP law (Code of Civil Procedure section 425.16) to strike down and to threaten with sanctions innocent citizens such as MCLAUGHLIN who file lawsuits against the attorney general after being victimized by the attorney general's deliberate and malicious refusal to comply with the mandatory duties of his/her office in violation of the citizens' constitutional rights.

2. This lawsuit seeks past and on-going damages against HARRIS and BECERRA in their individual capacities for the aforesaid conduct which they should have known violated MCLAUGHLIN's clearly established constitutional rights to free speech, petition, religious liberty, and equality under law; and it also seeks current and prospective declaratory and injunctive relief against the current attorney general, BECERRA, in his official capacity, to stop him from engaging in such aforesaid violations against MCLAUGHLIN, and those similarly situated, in the future.

3. This lawsuit also seeks current and prospective declaratory and injunctive relief against BECERRA, in his official capacity, to prevent him from charging petitioning proponents the unreasonably excessive \$2,000 fee under Elections Code section 9001, a ten-fold increase that was specifically enacted in response to MCLAUGHLIN’s anti-sodomy petitions with the design of erecting a hurdle that would unreasonably burden citizens like MCLAUGHLIN in order that they be

1 prevented and deterred from from engaging in their petitioning rights, in violation of,  
2 *inter alia*, the 1st and 14th Amendments of the United States Constitution.

3 4. This lawsuit also seeks declaratory and injunctive relief against TANI GORRE  
5 CANTIL-SAKAUYE (“SAKAUYE”) in her official capacities as both the Chief  
6 Judge of the California Supreme Court and as the Chair of the Judicial Council of  
7 California, to stop their practice of permitting so-called “unpublished” opinions  
8 against Bible-Christians like MCLAUGHLIN who are deprived of their petitioning  
9 rights, meaning such court decisions may be whimsically ignored when the court  
10 wishes in identical future cases to rule favourably for leftist litigants without having to  
11 explain or account for its departure from what it decided against MCLAUGHLIN in  
12 the “unpublished” opinion, and therefore the judge’s legal interpretation can be  
13 unfairly rendered against one unfortunate Bible-Christian litigant only, thus he  
14 becomes the recipient of unequal treatment under the law in violation of the  
15 Fourteenth Amendment of the US Constitution, and in violation of the guarantee  
16 clause of Article IV section 4 that requires a Republican form of government in each  
17 state.

18 5. Plaintiff McLaughlin did not invent the idea that sodomites deserve death, or  
19 that those that those who tolerate them will suffer destruction. God did. These  
20 sentiments - which were affirmed by the Lord Jesus Christ (e.g., Luke 17:28-30;  
21 12:49; 13:2-5; ) - have been part of the unquestioned bedrock of Western  
22 Civilization’s legal tradition, including traditional American law, and remained so  
23 until the sudden aberrant departure therefrom over the last 25 years. Plaintiff  
24 McLaughlin’s anti-sodomy petitions are in keeping with the values and beliefs of the  
25 American Founding Fathers much more than those recent leftist court decisions that  
26 laughably purport to make acts of sodomy and so-called marriages between sodomites  
27 ‘fundamental’ rights and ‘worthy of respect’. Plaintiff McLaughlin’s anti-sodomy  
petitioning was his political participation right to engage in the public sphere of ideas  
as a shock that would re-calibrate the political debate which had become increasingly  
hostile to Bible-Christianity and in its delusion of a universal acceptance of sodomy

1 and displayed no appreciation for the excessive levels of ‘tolerance’ that had already  
2 been extended to aggressive sex-pervert activists by long-suffering Christians who  
3 were watching their religious rights come under siege, and yet those sodomites, far  
4 from being ‘oppressed’ were actually quite fortunate, historically, to even be  
5 permitted to live.

6 **II. PARTIES**

7 **PLAINTIFF:**

8 6. Plaintiff MATTHEW GREGORY MCLAUGHLIN (“MATT  
9 MCLAUGHLIN,” or “MCLAUGHLIN,” and referred to herein in the first-person) is  
10 a U.S. citizen and resident of Orange County, California, a lawyer licensed with the  
11 California State Bar, a Bible-believing Christian, and a proponent of petitions  
12 (including the King James Bible Textbook petition of 2004 and the Sodomite  
13 Suppression Act of 2014), and he sues herein on his own behalf and on behalf of all  
14 person similarly situated and for the public benefit.

15 **DEFENDANTS:**

16 7. Defendant KAMALA HARRIS is believed to be a resident of Brentwood in  
17 Los Angeles County, is currently the junior United States Senator for California with  
18 an office in Los Angeles County, and was formerly the California Attorney General at  
19 times relevant to this complaint. It was her official duty to defend and enforce the  
20 laws of California. She is a person under 42 USC section 1983, was acting under  
21 color of law at all times relevant to this complaint, and she is sued in her individual  
22 capacity for damages for the intentional and malicious violation of my constitutional  
23 rights as described herein.

24 8. Defendant XAVIER BECERRA is believed to be a resident of Los Angeles  
25 County, and is currently the Attorney General for California with an office in Los  
26 Angeles County. It is his official duty to defend and enforce the laws of California.  
27 He is a person under 42 USC sec. 1983, was acting under color of law at all times  
relevant to this complaint, and is sued in his official capacity for declaratory and

1 injunctive relief, and is sued for damages in his individual capacity for the intentional  
2 violation of my constitutional rights as described herein.

3 . Defendant TANI GORRE CANTIL-SAKAUYE has offices in California and  
4 is sued in her official capacity as the current Chief Justice of the California Supreme  
5 Court, and in her official capacity as the current Chair of the Judicial Council of  
6 California. She has the power to ensure the compliance of the California Supreme  
7 Court and the Judicial Council of California with the declaratory and injunctive relief  
8 requested. She is a person under 42 USC sec. 1983 and was acting under color of law  
9 at all times relevant to this complaint. She is sued in her official capacities for  
10 declaratory and injunctive relief for her violation of the constitutional rights of  
plaintiff, of all persons similarly situated, and for the general public.

11 10. Each Defendant, and those subject to their direction, supervision, and control,  
12 has or intentionally will perform, participate in, aide and/or abet in some manner the  
13 acts alleged in this complaint, has or will proximately cause the harm alleged herein,  
14 and has or will continue to injure the plaintiffs irreparably if not enjoined.  
15 Accordingly, the relief requested herein is sought against each Defendant, as well as  
16 all persons under their supervision, direction, or control, including but not limited to  
17 their officers, employees, and agents.

### 18 III. JURISDICTION AND VENUE

19 11. Plaintiff brings this action as a Federal question jurisdiction under the United  
20 States Constitution, First and Fourteenth Amendments, and 42 U.S. Code § 1983,  
21 1988, and 28 U.S.C. §§ 1331, 1343, 1357, and this court has jurisdiction to issue  
appropriate injunctions and declaratory relief under 28 U.S.C. §§ 2201 and 2202.

22 12. Venue in this district is proper under 28 U.S.C. section 1391(b).

### 23 IV. STATEMENT OF CLAIMS

24 13. California's former Attorney General, HARRIS fraudulently under color of  
25 law violated my right to petition under the First Amendment of the US Constitution as  
26 that is regulated under California law (e.g., Cal. Const., art. II, § 8; Elections Code §  
9001(a); 9006(a); etc). In furtherance of the exercise of my religious and political

1 rights, in February 2015 I proposed a petition entitled “The Sodomite Suppression  
2 Act”. HARRIS was under a mandatory duty as the attorney general to return to me a  
3 title and summary of this proposed petition so I could legally circulate it for signatures,  
4 but she refused. Instead she sued me in Sacramento Superior court (over 400 miles  
5 away from where I live) and obtained a default judgment that purported to relieve her  
6 from her mandatory duty as to that specific petition. Immediately thereafter I  
7 submitted a new and different petition called the “Sodomite Suppression Mandate”  
8 which this time sought to change the state’s constitution rather just its penal code.  
9 Instead of performing her mandatory duty or returning again to state court to seek  
10 relief, HARRIS falsely alleged that my new proposal was identical to the first and that  
11 she had discretion to reject it, and thereby she denied me my rights to petition unjustly  
12 and without due process of law. HARRIS violated my rights because she allowed her  
13 hatred of my religion of Bible-Christianity to illegally motivate her to discriminate  
14 against me. HARRIS referred to plaintiff in insulting language to sodomite supporters  
15 and meanwhile she willingly gave title and summary to another petition that  
16 vindictively called MCLAUGHLIN a “Jackass” and threatened to fine him and send  
him to a re-education camp.

17 14. The California Supreme Court refused to consider my mandamus petitions  
18 to force HARRIS to do her job so that I could petition, and so did the California Court  
19 of Appeal 3<sup>rd</sup> District to which the Supreme Court referred the matter. Therefore I  
20 filed a complaint for damages against HARRIS in state court in downtown Los  
21 Angeles, however before answering her office moved to strike my complaint under  
22 the anti-SLAPP provisions of California’s Code of Civil Procedure section 425.16  
23 that prohibit “strategic litigation against public participation.” The trial court  
24 01/09/2017 granted her motion finding that my complaint against her - in which I  
25 alleged she had violated *my* First Amendment rights - violated *her* First Amendment  
26 rights! On 01/24/2017 BECERRA became the attorney general of California and he  
adopted and continued the same conduct of his predecessor against MCLAUGHLIN.

1       15. The dismissal of my complaint was upheld on appeal by the California Court  
2 of Appeal, 2<sup>nd</sup> District, Division 4 in an opinion that they designated as “unpublished”  
3 so that it would have no precedential value or effect. I objected to this designation  
4 because it creates unequal justice, allowing those liberal judges to give a conservative  
5 like me unfair treatment while relieving them from having to apply such unfairness to  
6 any future left-wing activists. They refused my request and forwarded it to the  
7 California Supreme Court and on 4/25/2018 its chief judge, defendant SAKAUYE,  
8 affirmed the decision to leave the opinion against me as “unpublished.”

9       16. I am filing this complaint in Federal Court after having exhausted my  
10 attempts to litigate for my rights within the State of California’s legal system because  
11 all the courts - to the highest level - have ignored my requests for relief, ignored my  
12 appeals, dismissed my complaint before being heard, and affirmed the dismissal by  
13 way of an unfair ‘unpublished’ opinion because they are all afraid of the political  
14 backlash from sodomite activists if they deal with it forthrightly and grant me my  
15 relief to which I’m entitled. Therefore the Federal Court should hear my complaint for  
16 damages and declaratory relief against the defendants so that my Constitutional rights  
17 are finally afforded venue for adjudication.

18       17. The current attorney general of California, Defendant BECERRA, since  
19 talking office, has, under color of law, despite request continued the same aforesaid  
20 unjust policies and violations of rights of the prior attorney general against my rights  
21 to petition, and also by his unconstitutional use of the anti-SLAPP law as a shield  
22 against citizens that sue state actors for violations of their civil rights, penalizing them  
23 with exposure to the liability of paying the state’s attorney’s fees just for seeking a  
24 day in court against unjust state action.

25       18. Meanwhile my anti-sodomy petitions caused such outrage in the sodomite-  
26 dominated California legislature that they made it their stated intent to prevent me  
27 from filing new petitions by enacting Assembly Bill 1100, sponsored by openly anti-  
christian sodomite legislators Evan Low and Richard Lara (who also personally  
requested that the California State Bar would disbar the plaintiff based on the content

1 of his petition), that raised the fee for proposing a petition ten-fold to \$2,000.  
2 California legislators also threatened that if my petition went forward they would  
3 expose to public intimidation anyone who dared to signed it. It became law Sept 15,  
4 2015. This fee increase is unlawful under the US and California constitutions because  
5 it is designed to discriminate against Bible-Christians of limited means from  
6 circulating their petitions since the Constitutional right to petition is regulated in  
7 California to require payment of this fee or else petitioning is not authorized  
8 (Elections code sections 9001(a); 9014; 9015 ; etc.). The law provides for no fee-  
9 waiver provisions for low-income citizens and the \$2000 fee is irrational in that it  
10 exceeds the minor initial administrative costs incurred by the state of California  
11 entailed in processing the first step of the petition process; and the fee is also contrary  
12 to the California Constitution, Article XIII, Section 3 because it was not passed with  
13 2/3<sup>rd</sup> majority. Defendant BECERRA as Attorney General has the duty to collect this  
14 unjust fee before low-income citizens and Bible-Christians may circulate their  
petitions lawfully and therefore his office should be enjoyed from doing so.

15 19. Blame for establishing the rules that authorize ‘star chamber’ type court  
16 opinions that uniquely bind only certain litigants but have no general common law  
17 application lies with both the California Supreme Court and the Judicial Council of  
18 California who have, respectively, adopted and published the California Rules of  
19 Court, including those in Division 5 of Title 8 (“Publication of Appellate Opinions”).  
20 These rules are not only contrary to common law, they also violate the 14th  
21 Amendment because it establishes an unequal system of justice, and therefore the  
22 individual justices and council member defendants must be enjoined from engaging in  
23 or authorizing this unlawful conduct, must mitigate in equity the harms caused  
24 thereby, including to plaintiff and those similarly situated. The California Supreme  
25 Court’s and Judicial Council’s conduct was performed under color of law by  
26 Defendant TANI GORRE CANTIL-SAKAUYE as its Chief Justice and pursuant to  
the rules published and adopted by the Judicial Council over which she is the Chair.

27     ///

## **V. PRAYER FOR RELIEF**

20. Plaintiff asks for:

(1) Damages, including punitive damages, against California's former attorney general Kamala Harris individually for fraudulently and maliciously, under color of law, violating my Constitutional rights to propose and circulate anti-sodomy petitions, and for using the anti-SLAPP law unfairly against me, which she reasonably knew in her personal capacity was a violation of my rights as described herein;

(2) Damages against California's current attorney general Xavier Becerra individually for continuing the unjust policy of Kamala Harris to violate my right to petition by not processing my anti-sodomy petitions, and by using the anti-SLAPP law unfairly against me, because he reasonably knew in his personal capacity that this was a violation of my rights as described herein;

(3) For a declaration of rights and injunction with equitable relief requiring attorney general Becerra in his official capacity to process the sodomite suppression infinitives I have presented to his office and to no longer file preemptive lawsuits against citizens to prevent them from seeking to circulate petitions, and for credit for the fee of \$200 I already paid and was accepted by his office to do so.

(4) For a declaration that California's Code of Civil Procedure section 425.16 (the anti-SLAPP law) is unconstitutional in its use as described herein and to permanently enjoin defendant Xavier Becerra as attorney general from using it as a one-sided shield to protect California state-actor defendants while quashing the citizens' civil rights complaints against them and subjecting the people to legal sanctions just for seeking their day in court against state actors who treated them unjustly;

(5) For a declaration that challenged portion of Cal. Elections code section 9001 as modified by Assembly Bill 1100 that raised the petition proposal fee to \$2,000 is unconstitutionally excessive and discriminatory and permanently

enjoining the California Attorney General from complying with its provisions; and

(6) for a declaration that the challenged conduct and provisions of California Rules of Court, including those in Division 5 of Title 8 (“Publication of Appellate Opinions”) pertaining to the practice of designating certain judicial opinions as “unpublished” creates a manifestly unfair, unequal, and pernicious system of justice to the harm of litigants such as myself, in violation of the 14th Amendment, and that defendant TANI GORRE CANTIL-SAKAUYE as the Chief Judge of the California Supreme Court, and as the Chair of the Judicial Council of California, be permanently enjoined from engaging in this practice and that she order set-aside and vacated whatsoever State court opinions that have been ordered “unpublished” since that designation impermissibly taints the decisions rendered there-under since it emboldens judges to issue unfair opinions;

(7) For an order applying the aforesaid injunctions to all of the defendants' agents, officers, and employees and for the benefit of not only MCLAUGHLIN but all persons similarly situated.

(8) Make all further orders as are just, necessary, and proper for the protection of the general public and all those similarly situated as the plaintiff.

(9) For costs of suit and reasonable attorney's fees.

(10) Grant such other relief as the Court deems just and proper.

Date: January 3, 2019

/S/ MATT MCLAUGHLIN

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